

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment)	NOTICE OF AMENDMENT
of ARM 24.204.401 fee schedule,)	AND ADOPTION
ARM 24.204.404 permit fees,)	
ARM 24.204.406 abatement of)	
renewal fees, ARM 24.204.408)	
radiologic technologists)	
applications, ARM 24.204.411)	
replacement licenses and)	
permits, ARM 24.204.504)	
permits - practice limitations,)	
ARM 24.204.511 permit)	
examinations, and the)	
adoption of NEW RULES I through)	
IV pertaining to radiologist)	
assistants, scope of practice,)	
supervision, and adoption of a)	
code of ethics)	

TO: All Concerned Persons

1. On July 14, 2005, the Board of Radiologic Technologists (Board) published MAR Notice No. 24-204-31 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1226 of the 2005 Administrative Register, issue no. 13.

2. A public hearing on the proposed amendment and adoption was held on August 8, 2005. Members of the public spoke at the public hearing. In addition, written comments were received prior to the closing of the comment period on August 16, 2005.

3. The Board has thoroughly considered all of the comments made. A summary of the comments received and the Board's responses are as follows:

Comment 1: Comments were received that New Rules II and III should be amended to comply with statutory changes following enactment of House Bill 457 of the 2005 legislature. The commenters stated that New Rules II and III require RAs to work under general supervision of radiologists, and opined that, due to House Bill 457, general supervision is no longer required for all procedures. The commenters further stated that the Board can set different supervision levels for various procedures and suggested the Board define the RA scope of practice in categories of procedures having different levels of supervision.

Response 1: The 2005 Montana Legislature enacted Chapter 491, Laws of 2005 (House Bill 457), an act revising laws governing

licensing and professional practices of radiologic technologists and radiologist assistants and requiring adoption of rules by the Board. The bill was signed by the Governor and became effective on April 28, 2005.

Section 37-14-313, MCA, provides that the specific duties allowed for RAs may be defined by the Board in rule. The statute requires those rules to specify the functions that RAs may perform in conjunction with diagnostic procedures under a radiologist's supervision. Prior to passage of House Bill 457, the supervision was specified as general supervision. House Bill 457 deleted the specific requirement of "general" supervision in 37-14-313(2)(b), MCA, but inserted a new subsection (c) stating that the "rules may specify levels of supervision based on education and experience, but at a minimum, the level of supervision must be general supervision."

Because the rules may specify levels of supervision, and general supervision is the minimal permissible supervision level, the Board proposed New Rules II and III to identify procedures requiring general supervision. House Bill 457 amended the definition of "general supervision" at 37-14-102(3), MCA, to "face-to-face communication, direction, observation, and evaluation by the radiologist at least monthly, with interim supervision occurring by other methods, such as telephonic, electronic, or written communication." The Board anticipates addressing RA procedures requiring direct supervision at their next regularly scheduled meeting. Further, the Board anticipates drafting rules to further delineate the RA scope of practice by defining "direct supervision" as "a radiologist in attendance in the facility during the performance of the exam" and "personal supervision" as "a radiologist in personal attendance in the exam room during the procedure."

Comment 2: Several licensees jointly submitted comments on deleting the requirement for licensure applicants to submit a copy of a current American Registry of Radiologic Technologists (ARRT) wallet card. The commenters questioned the differences between requiring a copy of the ARRT wallet card, submitting proof of ARRT examination passage, or looking applicants up in the ARRT registry. The commenters asked if applicants who have passed the ARRT examination would then not need ARRT registration for licensure? And if so, the commenters asked how the Board would verify applicants' required annual continuing education?

Response 2: Applicants can take, pass and receive proof of passage of the ARRT examination even if they are not registered with ARRT and do not have an ARRT wallet card. The Board amended the rule to allow licensure of applicants who have taken and passed the examination, but who are not ARRT credentialed due to past criminal conviction. Applicants who have passed the ARRT examination may still qualify for Montana licensure, but would be neither ARRT credentialed nor listed

in the ARRT registry, and would not hold an ARRT wallet card or be allowed to use the ARRT trademark "RT" following their names. Montana licensed radiologic technologists are required to obtain continuing education (CE) to maintain Montana licensure and licensees must affirm completion of CE on their license renewal forms.

The commenters posed additional questions unrelated to and beyond the scope of the proposed notice, which will be addressed by the Board at a subsequent Board meeting.

4. After consideration of the comments, the Board hereby amends ARM 24.204.401, 24.204.404, 24.204.406, 24.204.408, 24.204.411, 24.204.504 and 24.204.511, and adopts NEW RULE I (ARM 24.204.601), NEW RULE II (ARM 24.204.603), NEW RULE III (ARM 24.204.605) and NEW RULE IV (ARM 24.204.607) exactly as proposed.

BOARD OF RADIOLOGIC TECHNOLOGISTS
JOHN ROSENBAUM, CHAIRPERSON

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

Certified to the Secretary of State November 28, 2005